

Message Text

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ACTION NEA-10

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L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15

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FM AMEMBASSY NEW DELHI

TO SECSTATE WASHDC 3106

INFO AMCONSUL BOMBAY

AMCONSUL CALCUTTA

AMEMBASSY COLOMBO

AMEMBASSY DACCA

AMEMBASSY ISLAMABAD

AMEMBASSY KATHMANDU

AMCONSUL MADRAS

CINCPAC

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E.O. 11652: N/A

TAGS: PINT, PGOV, IN

SUBJECT: CONSTITUTIONAL CRISIS AVERTED AS ACTING PRESIDENT FINALLY DISSOLVES STATE GOVERNMENTS

REF: NEW DELHI 6201

1. SHORTLY AFTER THE SUPREME COURT'S DISMISSAL OF THE SUITS FILED BY FOUR CONGRESS STATE GOVTs ON APRIL 29 (REFTEL), THE UNION CABINET MET AND RESOLVED TO ASK ACTING PRESIDENT JATTI TO IMPOSE PRESIDENT'S RULE IN THE NINE CONGRESS-RULED STATES. JATTI REFUSED TO SIGN THE PROCLAMATION, AND ASKED FOR MORE EVIDENCE THAT PRESIDENT'S RULE WAS JUSTIFIED. HE REPORTEDLY CLAIMED THAT HE WAS NOT CONVINCED THAT A LAW AND ORDER PROBLEM EXISTED IN THE STATES BECAUSE HE HAD NOT RECEIVED A REPORT FROM ANY OF THE GOVERNORS TO THAT EFFECT. HOME MINISTER CHARAN SINGH ALLEGEDLY RETORTED

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THAT A GOVERNOR'S REPORT WAS NOT REQUIRED; ONLY THE PRESIDENT'S "SUBJECTIVE SATISFACTION" IS NECESSARY TO INVOKE ARTICLE 356.

CHARAN SINGH ALSO ALLEGEDLY REMINDED JATTI THAT THE 42ND AMENDMENT OBLIGED THE ACTING PRESIDENT TO FOLLOW THE ADVICE OF THE CABINET AND THAT SINCE THE CABINET WAS "SATISFIED" THAT PRESIDENT'S RULE WAS NECESSARY, HE HAD NO CHOICE IN THE MATTER. THE LAW MINISTER TOLD THE CHARGE THAT THERE WAS AMPLE INDIAN LEGAL OPINION

THAT THE PRESIDENT HAD TO FOLLOW THE CABINET'S GUIDANCE EVEN WITHOUT THE 42ND AMENDMENT. (NOTE: THE 42ND AMENDMENT STIPULATED INTER ALIA THAT THE PRESIDENT "SHALL ACT IN ACCORDANCE WITH" THE ADVICE OF THE CABINET.)

2. A POTENTIAL CONSTITUTIONAL CRISIS DEVELOPED ON APRIL 30 AS THE CABINET HELD TWO URGENT MEETINGS AND CHARAN SINGH AND LAW MINISTER SHANTI BHUSHAN SHUTTLED BACK AND FORTH BETWEEN JATTI'S BUNGALOW AND THE CABINET ROOM. ANGRY DELEGATES TO THE SOCIALIST PARTY'S NATIONAL CONVENTION DEMONSTRATED OUTSIDE JATTI'S RESIDENCE, ALMOST BREAKING THROUGH POLICE LINES, AND ASHOK MEHTA TOLD THE CONGRESS (O) CONVENTION THAT JATTI WAS STALLING AT MRS. GANDHI'S BEHEST. A CRISIS WAS FINALLY AVERTED WHEN PRIME MINISTER DESAI SENT A MESSAGE TO THE ACTING PRESIDENT EARLY IN THE EVENING WHICH ACCORDING TO THE PRESS MADE CLEAR TO JATTI THAT THE CONSTITUTION LEFT HIM NO CHOICE BUT TO ACCEPT THE CABINET'S "ADVICE". SOME JOURNALISTS BELIEVE THAT DESAI HAD THREATENED TO DISSOLVE THE GOVT AND CALL FRESH LOK SABHA ELECTIONS IF JATTI CONTINUED HIS OBSTRUCTION. AT 7:30 P.M. APRIL 30, JATTI SIGNED THE PROCLAMATIONS DISSOLVING THE ASSEMBLIES AND IMPOSING PRESIDENT'S RULE IN THE NINE STATES WHERE CONGRESS HAD BEEN DECISIVELY DEFEATED: BIHAR, HARYANA, HIMACHAL PRADESH, MADHYA PRADESH, ORISSA, PUNJAB, RAJASTHAN, U.P. AND WEST BENGAL.

3. THE GOVT IS EXPECTED TO ANNOUNCE ASSEMBLY ELECTIONS IN THE STATES WITHIN A DAY OR SO. ALREADY, POLITICIANS HAVE BEGUN STREAMING TO DELHI SEEKING "TICKETS" TO RUN FOR THE ASSEMBLIES. WE HAVE HEARD FROM ONE SOURCE THAT NOMINATION PAPERS WILL BE FILED BETWEEN MAY 8 AND MAY 15. THE GENERAL EXPECTATION IS THAT MOST LIMITED OFFICIAL USE

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STATES WILL GO TO THE POLLS IN THE SECOND WEEK OF JUNE, WITH THE ENTIRE PROCESS WRAPPED UP BY JUNE 15. IN ALL, ELEVEN STATES WILL HOLD ELECTIONS IN JUNE: THE NINE WHOSE ASSEMBLIES WERE JUST DISSOLVED, PLUS TAMIL NADU (THE ANNOUNCEMENT IS EXPECTED SHORTLY) AND JAMMU AND KASHMIR. IN ADDITION, THE UNION TERRITORIES OF DELHI, GOA AND PONDICHERRY WILL ALSO GO TO THE POLLS. AT THE SAME TIME.

4. COMMENT: WE HAVE NOT YET HEARD A CONVINCING EXPLANATION FOR JATTI'S LAST-MINUTE DELAY. WHILE THE LAW MINISTER CLAIMED HIS AFFILIATION WITH THE CONGRESS WAS BEHIND HIS OBSTRUCTION, OTHER OBSERVERS SPECULATE THAT HE MAY HAVE BEEN TRYING TO DEMONSTRATE THAT THE OFFICE OF THE PRESIDENCY IS NOT A TOTALLY CEREMONIAL RUBBER STAMP AND THAT HE WOULD NOT MEEKLY SUBMIT TO THE GOVT'S INSTRUCTIONS AS HAD HIS PREDECESSOR, FAKHRUDDIN ALI AHMED. WHATEVER HIS MOTIVES, JATTI THOROUGHLY ANGERED ALL SEGMENTS OF THE RULING PARTY AND APPEARS TO HAVE ELIMINATED HIMSELF AS A POSSIBLE COMPROMISE CANDIDATE BETWEEN THE JANATA AND CONGRESS IN THIS SUMMER'S PRESIDENTIAL ELECTION.

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